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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11                  RAY C. ROGERS,

12                  Plaintiff,

13                  v.

14                  RANDY WEAVER,

15                  Defendant.

CASE NO. 2:23-cv-01160-JCC-GJL  
ORDER EXTENDING DEADLINES

16         The District Court has referred this 42 U.S.C. § 1983 action to United States Magistrate  
17         Judge Grady J. Leupold. Currently pending before the Court is Plaintiff Ray C. Rogers' Motion  
18         for Appointment of Counsel. Dkt. 107. Upon Defendant Randy Weaver's request and for the  
19         reasons below, the Court extends the deadline for Plaintiff to file a declaration complying with  
20         Court's Plan for Representation of *Pro Se* Litigants in Civil Rights Actions, General Order 07-23  
21         until **December 2, 2024**. Failure to file a declaration that complies with General Order 07-23 by  
22         the stated deadline may result in summary denial of Plaintiff's Motion.

23                   I.           DISCUSSION

24         This Court's plan and procedures for requesting *pro bono* representation in prisoner civil  
rights actions are outlined in General Order 07-23 (effective Jan. 1, 2024). Under the Court's

1 plan, *pro se* plaintiffs must submit the following motion and declaration when seeking  
 2 appointment of voluntary counsel in civil rights actions:

3 **[Section 3] (b) Motion and Declaration of *Pro Se* Litigant.** Any motion for the  
 4 appointment of counsel by a party appearing *pro se* in a civil rights action shall  
 5 include a declaration stating the party's efforts to obtain counsel by means other  
 6 than appointment, including having connected with at least two other attorneys  
 7 without securing representation, and identifying any prior pro bono appointments  
 8 of counsel to represent the party in cases brought in this Court, including both  
 pending and previously terminated actions. The declaration should further state  
 whether the *pro se* litigant has already pursued another action, such as a wage claim  
 or agency claim, before proceeding with their federal action. A completed copy of  
 a declaration stating the movant cannot afford to hire an attorney shall be attached  
 to the motion.

9 *Id.* at 5. Plaintiff did not initially file a declaration in support of his Motion for Appointment of  
 10 Counsel. Dkt. 107. On September 26, 2024, the Court advised Plaintiff of the requirements  
 11 outlined in General Order 07-23 and provided him 30 days to prepare and file a declaration in  
 12 support of his Motion. Dkt. 117. Plaintiff filed a declaration on October 16, 2024. Dkt. 118.

13 Defendant Weaver filed a timely response to the Motion for Appointment of Counsel,  
 14 focusing primarily on the declaration Plaintiff submitted in support of that Motion. Dkt. 112.  
 15 Defendant Weaver argues that Plaintiff's declaration does not satisfy all the requirements  
 16 outlined in Section 3(b) of General Order 07-23. *Id.* Specifically, (1) Plaintiff does not address  
 17 whether he has received any prior *pro bono* appointments of counsel, (2) he does not address  
 18 whether he pursued other actions or remedies on his First Amendment retaliation claim prior to  
 19 filing this action, (3) he does not identify his financial resources or otherwise demonstrate that he  
 20 is unable to afford an attorney, and (4) Plaintiff does not describe his prior unsuccessful efforts to  
 21 obtain counsel *regarding the claims in this action*. *Id.* at 2. In lieu of denying Plaintiff's request  
 22 for counsel, Defendant requests that Plaintiff be provided additional time to file a declaration  
 23 fully complying with Section 3(b) of General Order 07-23.

The Court agrees with Defendant's arguments and his request to provide Plaintiff additional time to file a compliant declaration.

## II. CONCLUSION

Accordingly, Plaintiff is hereby **DIRECTED** to submit a declaration in accordance with Section 3(b) of General Order 07-23 not later than **December 2, 2024**. If Plaintiff again fails to file a compliant declaration by the stated deadline, the Court may summarily deny his Motion for Appointment of Counsel without prejudice.

Defendant Weaver is **DIRECTED** to file a supplemental response to the Motion for Appointment of Counsel not later than **December 17, 2024**. Plaintiff **MAY** file a reply in support not later than **January 2, 2025**. The Clerk of Court is **DIRECTED** to renote Plaintiff's Motion for Appointment of Counsel (Dkt. 107) for consideration on **January 2, 2025**.

Dated this 1st day of November, 2024.



Grady J. Leupold  
United States Magistrate Judge